

REMARKS

Applicants submit this Supplemental Response in view of the personal interview of January 11, 2007. Claims 2 and 3 have been amended. The status identifiers of the instant claims is based on the assumption that the amendment of December 11, 2006, was entered. Claims 1-4, 7-13, 16-26, and 28-35 remain pending.

Applicants appreciate the opportunity to discuss the instant application with Examiners Portner and Navarro. As discussed at the interview, claims 2 and 3 have now been amended so that claim 3 recites a narrower range of azide than claim 2. Applicants understand claims 4, 7, and 9, which also depend from claim 2, to be allowable.

The remaining rejections in this application are:

1. claims 1, 3-4, 7-13, 16-26, 28-36 under 103(a) over Merad in view of Adler;
2. claims 1, 3-4, 7-13, 16-26, 28-36 under 103(a) over Merad in view of Copeland; and
3. claims 1, 3-4, 7-13, 16-26, 28-36 under 103(a) over Merad in view of Fung.

Applicants submit herein a Declaration under 37 CFR 1.132 by Dr. James Copeland, one of the inventors in this application. In the Declaration, Dr. Copeland states that one of ordinary skill in the art would have known that (1) *E. coli* is a facultative microbe and (2) azide is a known inhibitor of the growth of certain microorganisms. The growth of *E. coli* is known, and shown in this application, to be inhibited by azide. Therefore, one of ordinary skill in the art would also have expected that azide would inhibit membrane fragments containing respiratory enzymes. However, it was unexpectedly found that respiratory enzymes on membrane fragments derived from *E. coli* continued to function in the presence of azide, i.e. they were not inhibited by azide. In other words, one of ordinary skill in the art would not be motivated to combine azide with membrane fragments derived from *E. coli*.

Based on these statements and the attached Declaration, Applicants submit that the motivation to combine the references is lacking in each of the three remaining rejections. Applicants therefore request the three 35 U.S.C. § 103(a) rejections be withdrawn.

CONCLUSION

In view of the above amendments and comments, Applicants submit the pending claims are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

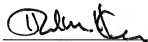
In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby authorized to call Richard M. Klein at telephone number 216-861-5582, Cleveland, Ohio.

It is believed that no fee is due in the filing of this Response. However, if any fees are required, the Examiner is authorized to charge any fees due or credit any overpayments to Deposit Account No. 06-0308.

Respectfully submitted,

FAY SHARPE LLP

February 8, 2007
Date



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